

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:92-cr-00021-MR-1

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) O R D E R
)
)
HAROLD LEE SMITH,)
)
Defendant.)
)

THIS MATTER is before the Court on the Defendant's Motion for Compassionate Release pursuant to 18 U.S.C. § 3582(c)(1)(A) [Doc. 18].

Title 18, Section 3582, of the United States Code provides, in pertinent part, as follows:

The court may not modify a term of imprisonment once it has been imposed except that—

(1) in any case—

(A) the court, *upon motion of the Director of the Bureau of Prisons*, may reduce the term of imprisonment . . . after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that—

- (i) extraordinary and compelling reasons warrant such a reduction; or
- (ii) the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c), for the offense or offenses for which the defendant is currently imprisoned, and a determination has been made by the Director of the Bureau of Prisons that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g);

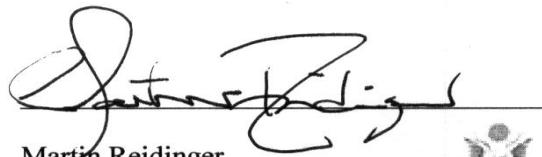
and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission

18 U.S.C. § 3582(c)(1)(A) (emphasis added). This statute makes clear that any motion for a modification of a term of imprisonment must originate from the Bureau of Prisons. The Court is therefore without jurisdiction to grant the relief sought by the Defendant.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's Motion for Compassionate Release [Doc. 18] is **DENIED**.

IT IS SO ORDERED.

Signed: May 15, 2014



Martin Reidinger
United States District Judge

